

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Petition for Declaratory Ruling of the)	
Cellular Telecommunications and)	
Internet Association)	

COMMENTS OF WORLDCOM, INC.

On January 23, 2003, the Cellular Telecommunications and Internet Association (“CTIA”) filed a petition for declaratory ruling that wireline carriers have an obligation to port their customers’ telephone numbers to a CMRS provider whose service area overlaps the wireline carrier’s rate center and that no agreement between the two carriers, beyond a standard service-level porting agreement, is necessary. This petition explicitly raises a fairly simple question: may carriers that receive a request for number portability refuse that request, based on the claim that the requesting carrier has not been assigned numbering resources associated with the identical rate center as the number for which porting is sought? The answer to this question is a resounding “no.” And there is no reason why the Commission should not issue the requested relief.

According to CTIA, some local exchange carriers (“LECs”) have taken the position that portability is only required where wireless carriers already have a presence in the landline rate center.¹ This position is utterly without merit.

¹ CTIA Petition at 3.

In the first place, the Commission's rules do not even require that any carrier adhere to the same rate centers as any other carrier. It is true that wireline LECs almost always follow the pre-existing rate centers established by the incumbent LECs. But this is largely an outgrowth of an intercarrier compensation regime that makes competitive LECs liable for above-cost access charges whenever a call originates and terminates in rate centers that do not fall within a single local calling area for the incumbent LEC. In contrast, the Commission has exempted CMRS providers from this anti-competitive regime, and instead requires LECs to exchange traffic with CMRS providers at cost-based rates for all calls that originate and terminate within a Major Trading Area. 47 C.F.R. § 51.701(b)(2).

Since the Commission does not require all carriers to adhere to the same rate center geography, it cannot be the case that the number portability obligation is conditioned on the requesting carrier already having been assigned an NXX or thousands block in the identical rate center as the number for which porting is sought. After all, it is inevitable that two carriers that do not adhere to the same rate center scheme will associate a particular address with different rate centers. It would make no sense for the Commission's rules to allow a carrier to serve a customer with an "assigned number," but prevent that carrier from serving the same customer with a ported number.

Moreover, any requirement that carriers obtain assigned numbers in a rate center before they may port numbers within that rate center would needlessly waste numbering resources. There is absolutely no reason to require carriers to obtain blocks of numbers that they may never need only to serve customers that have already been assigned numbers. A more wasteful practice is hard to imagine. If a carrier is technically able to

provide service to a customer (i.e., the carrier has in place the facilities needed to provide service), then a request for porting should not be denied on the pretext that the requesting carrier does not have pre-assigned numbers in the particular rate center.

The Commission's rules have never conditioned the number portability obligation on whether the requesting has pre-assigned numbering resources in any particular rate center. The Commission should declare that its rules continue not to impose such a condition. But the Commission must inevitably turn its attention to the irrational intercarrier compensation rules that allow only some carriers effectively to consolidate rate centers on their own.

Respectfully submitted,

WorldCom, Inc.

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